

ASSEMBLY BILL

No. 2812

Introduced by Assembly Member Mazzoni

February 28, 2000

An act to amend Sections 60603, 60604, 60605, 60606, 60607, 60630, and 60644 of, and to repeal Section 60609 of, the Education Code, relating to achievement tests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as introduced, Mazzoni. California Assessment of Academic Achievement.

Existing law requires the Superintendent of Public Instruction to design and implement, and requires the governing board of a school district to conduct, a testing program based on a statewide pupil assessment program consisting of (1) systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting (STAR) program and (2) an assessment of basic academic skills and applied academic skills.

This bill would delete from the statewide pupil assessment program the assessment of basic academic skills and applied academic skills.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60603 of the Education Code is
2 amended to read:

1 60603. As used in this chapter:

2 (a) “Achievement test” means any standardized test
3 that measures the level of performance that a pupil has
4 achieved in the core curriculum areas.

5 ~~(b) “Assessment of applied academic skills” means a~~
6 ~~form of assessment that requires pupils to demonstrate~~
7 ~~their knowledge of, and ability to apply, academic~~
8 ~~knowledge and skills in order to solve problems and~~
9 ~~communicate. It may include, but is not limited to,~~
10 ~~writing an essay response to a question, conducting an~~
11 ~~experiment, or constructing a diagram or model. An~~
12 ~~assessment of applied academic skills may not include~~
13 ~~assessments of personal behavioral standards or skills,~~
14 ~~including, but not limited to, honesty, sociability, ethics,~~
15 ~~or self-esteem.~~

16 ~~(c) “Basic academic skills” means those skills in the~~
17 ~~subject areas of reading, spelling, written expression, and~~
18 ~~mathematics that provide the necessary foundation for~~
19 ~~mastery of more complex intellectual abilities, including~~
20 ~~the synthesis and application of knowledge.~~

21 ~~(d) —~~

22 (c) “Content standards” means the specific academic
23 knowledge, skills, and abilities that all public schools in
24 this state are expected to teach and all pupils expected to
25 learn in each of the core curriculum areas, at each grade
26 level tested.

27 ~~(e) —~~

28 (d) “Core curriculum areas” means the areas of
29 reading, writing, mathematics, history-social science, and
30 science.

31 ~~(f) —~~

32 (e) “Direct writing assessment” means an assessment
33 of applied academic skills that requires pupils to use
34 written expression to demonstrate writing skills,
35 including writing mechanics, grammar, punctuation, and
36 spelling.

37 ~~(g) —~~

38 (f) “End of course exam” means a comprehensive and
39 challenging assessment of pupil achievement in a



1 particular subject area or discipline such as the Golden
2 State Exams.

3 ~~(h)~~

4 (g) “Performance standards” are standards that
5 define various levels of competence at each grade level
6 in each of the curriculum areas for which content
7 standards are established. Performance standards gauge
8 the degree to which a pupil has met the content standards
9 and the degree to which a school or school district has met
10 the content standards.

11 ~~(i)~~

12 (h) “Publisher” means a commercial publisher or any
13 other public or private entity, other than the State
14 Department of Education, which is able to provide tests
15 or test items that meet the requirements of this chapter.

16 ~~(j)~~

17 (i) “Statewide pupil assessment program” means the
18 systematic achievement testing of pupils in grades 2 to 11,
19 inclusive, pursuant to the standardized testing and
20 reporting program under Article 4 (commencing with
21 Section 60640) ~~and the assessment of basic academic skills~~
22 ~~and applied academic skills, administered to pupils in~~
23 ~~grade levels specified in subdivision (e) of Section 60605,~~
24 ~~that is~~ required by this chapter in all schools within each
25 school district by means of tests designated by the State
26 Board of Education.

27 SEC. 2. Section 60604 of the Education Code is
28 amended to read:

29 60604. (a) The Superintendent of Public Instruction
30 shall design and implement, consistent with the timetable
31 and plan required pursuant to subdivision (b), a
32 statewide pupil assessment program consistent with the
33 testing requirements of this article in accordance with the
34 objectives set forth in Section 60602. That program shall
35 include all of the following:

36 (1) A plan for producing valid, reliable, and
37 comparable individual pupil scores in grades 2 to 11,
38 inclusive, and a comprehensive analysis of these scores
39 based on the results of the achievement test designated
40 by the State Board of Education that assesses a broad

1 range of basic academic skills pursuant to the
2 Standardized Testing and Reporting (STAR) Program
3 established by Article 4 (commencing with Section
4 60640) ~~and the assessment established pursuant to~~
5 ~~subdivision (e) of Section 60605.~~

6 (2) A method of working with publishers to ensure
7 valid, reliable, and comparable individual, grade-level,
8 school-level, district-level, county-level, and statewide
9 scores in grades 2 to 11, inclusive, that is based on the
10 achievement test designated pursuant to subdivision (b)
11 of Section 60605 ~~and that, in the grade levels and subject~~
12 ~~areas specified in subdivision (e) of Section 60605, ensures~~
13 ~~valid, reliable and comparable school level, district level,~~
14 ~~county-level, and statewide scores in the assessments~~
15 ~~administered pursuant to subdivision (e) of Section~~
16 ~~60605.~~

17 (3) Statewide academically rigorous content and
18 performance standards that reflect the knowledge and
19 skills that pupils will need in order to succeed in the
20 information-based, global economy of the 21st century.
21 These skills shall not include personal behavioral
22 standards or skills, including, but not limited to, honesty,
23 sociability, ethics, or self-esteem.

24 (4) A statewide system that provides the results of
25 testing in a manner that reflects the degree to which
26 pupils are achieving the academically rigorous content
27 and performance standards adopted by the State Board
28 of Education.

29 (5) The alignment of assessment with the statewide
30 academically rigorous content and performance
31 standards adopted by the State Board of Education.

32 (6) The active, ongoing involvement of parents,
33 classroom teachers, administrators, other educators,
34 governing board members of school districts, and the
35 public in all phases of the design and implementation of
36 the statewide pupil assessment program ~~and the~~
37 ~~development of assessment instruments pursuant to the~~
38 ~~requirements of subdivision (e) of Section 60605.~~

39 (7) The development of a contract or contracts with a
40 publisher or publishers, after the approval of statewide

1 academically rigorous content standards by the State
2 Board of Education, for the development of performance
3 standards ~~and assessments of applied academic skills~~
4 ~~designed to test pupils' knowledge of academic skills and~~
5 ~~abilities to apply that knowledge and those skills in order~~
6 ~~to solve problems and communicate. The assessments of~~
7 ~~applied academic skills shall be limited to the grade levels~~
8 ~~and subject areas specified in subdivision (e) of Section~~
9 ~~60605.~~

10 (b) The superintendent shall develop and annually
11 update for the Legislature a five-year cost projection,
12 implementation plan, and timetable for implementing
13 the program described in subdivision (a). The annual
14 update shall be submitted on or before March 1 of each
15 year to the chairperson of the fiscal subcommittee
16 considering budget appropriations in each house. The
17 update shall explain any significant variations from the
18 five-year cost projection for the current year budget and
19 the proposed budget.

20 (c) The Superintendent of Public Instruction shall
21 provide each school district with guidelines for
22 professional development that are designed to assist
23 classroom teachers to use the results of the assessments
24 administered pursuant to this chapter to modify
25 instruction for the purpose of improving pupil learning.
26 These guidelines shall be developed in consultation with
27 classroom teachers and approved by the State Board of
28 Education before dissemination.

29 ~~(d) The Superintendent of Public Instruction shall~~
30 ~~make available prototype and sample versions of the~~
31 ~~statewide pupil assessment test pursuant to subdivision~~
32 ~~(e) of Section 60605 to each school district and to the~~
33 ~~public prior to administration of the tests. The~~
34 ~~superintendent and the State Board of Education shall~~
35 ~~consider comments and recommendations from school~~
36 ~~districts and the public in the development, adoption, and~~
37 ~~approval of subsequent assessment instruments.~~

38 ~~(e) The results of the achievement test administered~~
39 ~~pursuant to Article 4 (commencing with Section 60640)~~
40 ~~shall be returned to the school district in the same~~

1 academic year in which the test was administered and no
2 later than June 30 of the calendar year in which the test
3 was administered.

4 SEC. 3. Section 60605 of the Education Code is
5 amended to read:

6 60605. (a) (1) (A) Not later than January 1, 1998,
7 the State Board of Education shall adopt statewide
8 academically rigorous content standards, pursuant to the
9 recommendations of the Commission for the
10 Establishment of Academic Content and Performance
11 Standards, in the core curriculum areas of reading,
12 writing, and mathematics to serve as the basis for
13 assessing the academic achievement of individual pupils
14 and of schools, school districts, and the California
15 education system. Not later than November 1, 1998, the
16 State Board of Education shall adopt these standards in
17 the core curriculum areas of history/social science and
18 science. ~~The performance standards and the assessments~~
19 ~~described in subdivision (e) may be developed~~
20 ~~concurrently, and shall be based on the content standards~~
21 ~~adopted by the board pursuant to this section.~~

22 (B) The board shall adopt statewide performance
23 standards in the core curriculum areas of reading,
24 writing, mathematics, history-social science, and science
25 based on the recommendations made by a contractor or
26 contractors. ~~By November 15, 2000, the board shall~~
27 ~~complete the adoption of the portion of the pupil~~
28 ~~assessments described in subdivision (e) in the core~~
29 ~~curriculum areas of reading, writing, mathematics,~~
30 ~~history-social science, and science.~~

31 (C) In specifying timeframes for deliverables in the
32 request for proposal developed pursuant to subdivision
33 (i), the State Board of Education shall require the
34 contractor or contractors to submit performance
35 standards to the board not later than a specified date that
36 allows sufficient opportunity for the board to conduct
37 regional hearings prior to the adoption of the
38 performance standards by the dates specified in
39 subparagraph (B).

1 (2) (A) The State Board of Education may modify any
2 proposed content standards or performance standards
3 prior to adoption and may adopt content and
4 performance standards in individual core curriculum
5 areas as those standards are submitted to the board by the
6 commission or the contractor. The performance
7 standards shall be established against specific grade level
8 benchmarks of academic achievement for each subject
9 area tested and shall be based on the knowledge and skills
10 that pupils will need in order to succeed in the
11 information-based, global economy of the 21st century.
12 These skills shall not include personal behavioral
13 standards or skills, including, but not limited to, honesty,
14 sociability, ethics, or self-esteem. The standards adopted
15 pursuant to this section shall be for the purpose of guiding
16 state decisions regarding the development, adoption, and
17 approval of assessment instruments pursuant to this
18 chapter and shall not be construed to mandate any
19 actions or activities by school districts.

20 (B) Because these standards are models, the adoption
21 of these standards is not subject to the Administrative
22 Procedure Act. This subparagraph is declaratory of
23 existing law.

24 (3) Before adopting academic content and
25 performance standards, the board shall hold regional
26 hearings for the purpose of giving parents and other
27 members of the public the opportunity to comment on
28 the proposed standards.

29 (b) (1) The State Board of Education shall require the
30 State Department of Education to notify publishers of the
31 opportunity to submit, for consideration by the State
32 Board of Education pursuant to Section 60642, tests of
33 achievement that include all of the basic academic skills
34 identified in subdivision (c) of Section 60603 in grades 2
35 to 8, inclusive, and the core curriculum areas identified in
36 subdivision (e) of Section 60603 in grades 9 to 11,
37 inclusive.

38 (2) On or before October 31, 1997, the Superintendent
39 of Public Instruction shall recommend to the State Board

1 of Education which achievement test to adopt pursuant
2 to subdivision (b) of Section 60642.

3 ~~(c) (1) The State Board of Education shall adopt an~~
4 ~~assessment instrument that meets the objectives of~~
5 ~~Section 60602 and that yields valid, reliable estimates of~~
6 ~~school performance, school district performance, and~~
7 ~~statewide performance of pupils that, in grades 4, 5, 8, and~~
8 ~~10, assess basic academic skills and incorporate the use of~~
9 ~~direct writing assessment and other assessments of~~
10 ~~applied academic skills.~~

11 ~~(2) The State Board of Education shall annually~~
12 ~~require that each school district administer the statewide~~
13 ~~assessment pursuant to this subdivision to all pupils in~~
14 ~~grades 4, 5, 8, and 10. The core curriculum areas shall be~~
15 ~~addressed by that assessment. Notwithstanding any other~~
16 ~~provision of law, the assessment provided for under this~~
17 ~~subdivision shall address, in grade 4, only reading, written~~
18 ~~expression, and mathematics, and, in grade 5, only~~
19 ~~history/social science and science. Pupils in a given school~~
20 ~~shall be administered a portion of all subjects of the~~
21 ~~assessment that will be representative of all the~~
22 ~~assessment objectives, goals, and categories of items on~~
23 ~~the entire assessment in a manner that will produce~~
24 ~~results that are valid and reliable at the school and school~~
25 ~~district level. The State Department of Education may~~
26 ~~provide assistance to school districts in the~~
27 ~~implementation of the assessment established pursuant~~
28 ~~to this subdivision.~~

29 ~~(3) Nothing in this subdivision shall be construed to~~
30 ~~prevent the State Board of Education from developing or~~
31 ~~adopting an assessment instrument that also contains~~
32 ~~assessments of basic academic skills.~~

33 ~~(d) The State Board of Education shall adopt~~
34 ~~assessments pursuant to subdivision (c) that are aligned~~
35 ~~with the statewide content and performance standards~~
36 ~~adopted pursuant to subdivision (a). The State Board of~~
37 ~~Education shall not adopt an assessment pursuant to~~
38 ~~subdivision (c) for any core curriculum area until the~~
39 ~~statewide content standards for that core curriculum area~~
40 ~~have been adopted by the board pursuant to subdivision~~

1 ~~(a). The State Board of Education shall not award~~
2 ~~contracts for the development of performance standards~~
3 ~~and assessments pursuant to subdivision (e) for any core~~
4 ~~curriculum area until after adoption of statewide content~~
5 ~~standards for that core curriculum area.~~

6 ~~(e)~~ After adopting statewide content standards, the
7 State Board of Education shall review the achievement
8 test designated pursuant to Section 60642 for
9 conformance with these statewide standards.

10 ~~(f)~~
11 (d) After adopting statewide content and
12 performance standards, the State Board of Education
13 shall review the existing curriculum frameworks for
14 conformity with the new statewide standards and shall
15 modify the curriculum frameworks where appropriate to
16 bring them into alignment with the standards.

17 ~~(g)~~
18 (e) The State Board of Education shall adopt
19 regulations for the conduct and administration of the
20 testing and assessment program.

21 ~~(h)~~
22 (f) The State Board of Education shall adopt a
23 regulation for minimum security procedures that test and
24 assessment publishers and school districts must follow to
25 ensure the security and integrity of test and assessment
26 questions and materials.

27 ~~(i)~~
28 (g) (1) Following consideration of recommendations
29 of the Superintendent of Public Instruction, the State
30 Board of Education shall award a contract or contracts to
31 develop performance standards pursuant to subdivision
32 (a) ~~and instruments to be used for the purposes of~~
33 ~~subdivision (e),~~ according to competitive bidding
34 procedures.

35 ~~(1)~~
36 (2) As part of this process, the board may convene an
37 advisory panel composed of nationally recognized
38 experts ~~in pupil assessment~~. Two members of the panel
39 shall be selected from a list of at least 10 nominees of the
40 Superintendent of Public Instruction. This panel, if

1 convened, shall assist the board and the Superintendent
2 of Public Instruction in the preparation of the request or
3 requests for proposals to develop performance standards
4 and instruments for use as assessments of applied
5 academic skills and in the review and rating of proposals
6 that are submitted. The panel shall also assist the board
7 and the Superintendent of Public Instruction in
8 determining methods of ensuring that the achievement
9 test designated pursuant to Section 60642 meets the
10 requirements of Section 60644. The State Department of
11 Education shall provide any necessary staff support for
12 the work of the advisory committee.

13 (2) Any contractor to whom a contract is awarded
14 pursuant to this subdivision shall assure that parents,
15 classroom teachers, administrators, school district
16 governing board members, and the general public are
17 actively involved in the development of any assessment
18 instruments.

19 (3) For the purposes of making the computations
20 required by Section 8 of Article XVI of the California
21 Constitution, appropriations made for the payment of
22 contracts awarded pursuant to this subdivision shall be
23 deemed to be "General Fund revenues appropriated for
24 school districts," as defined in subdivision (c) of Section
25 41202, for the applicable fiscal year, and included within
26 the "total allocations to school districts and community
27 college districts from General Fund proceeds of taxes
28 appropriated pursuant to Article XIII B," as defined in
29 subdivision (e) of Section 41202, for that fiscal year.

30 (j) (1) Not less than 60 days before adopting the
31 statewide pupil assessment pursuant to subdivision (c),
32 the State Board of Education shall make the proposed
33 assessment available for inspection by the public. The
34 board shall adopt any proposed amendments or
35 modifications to the assessment before this public
36 inspection period so that the materials available for
37 inspection are the same materials that the board shall
38 consider for final adoption. This provision applies to
39 subsequent amendments or modifications of the
40 examination in addition to the initial adoption. The

~~proposed assessment shall be available for inspection by the public for a reasonable period of time.~~

~~(2) The assessment adopted pursuant to subdivision (c) shall be available for inspection at each county superintendent of schools' office and within each school district at a centrally located site selected by the governing board of each school district. The governing board may also make the assessment available for public inspection at other locations within the school district. An assessment may not be copied or taken from the inspection site.~~

SEC. 4. Section 60606 of the Education Code is amended to read:

60606. (a) After designating a test of academic achievement for use in grades 2 to 11, inclusive, pursuant to Section 60642, ~~or adopting an assessment of applied academic skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605,~~ the State Board of Education shall submit ~~each of those two instruments~~ *the instrument* when designated or adopted to the Statewide Pupil Assessment Review Panel, which is hereby established, for review by the panel.

(b) The panel shall consist of six members. Three members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Superintendent of Public Instruction. A majority of the panel shall consist of parents whose children attend public schools in the state in kindergarten and grades 1 to 12, inclusive.

(c) Panel members shall serve two-year terms, without compensation. No panel member shall serve more than two consecutive terms.

(d) The panel shall review the two instruments specified in subdivision (a) in order to ensure that the content of the instruments complies with the requirements of Section 60614. Notwithstanding any other provision of law, the panel may meet in closed session with a publisher for the purpose of addressing

1 questions and clarifying issues that relate to ensuring that
2 the content of the publisher's test or assessment, as the
3 case may be, comply with the requirements of Section
4 60614.

5 (e) The panel shall report its findings and
6 recommendations to the State Board of Education within
7 10 days of its receipt of each instrument. If the panel fails
8 to report within the required 10 days, the test or
9 assessment shall be deemed acceptable to the panel.

10 SEC. 5. Section 60607 of the Education Code is
11 amended to read:

12 60607. (a) Each pupil shall have an individual record
13 of accomplishment by the end of grade 12 that includes
14 the results of the achievement test required and
15 administered annually as part of the standardized testing
16 and reporting program established pursuant to Article 4
17 (commencing with Section 60640), results of
18 end-of-course exams he or she has taken, and whatever
19 vocational education certification exams he or she chose
20 to take.

21 (b) It is the intent of the Legislature that school
22 districts and schools use the results of the academic
23 achievement tests administered annually as part of the
24 statewide pupil assessment program to provide support
25 to pupils and parents or guardians in order to assist pupils
26 in strengthening their development as learners, and
27 thereby to improve their academic achievement and
28 performance in subsequent assessments.

29 ~~(c) Any pupil, or his or her parent or guardian, may~~
30 ~~request and receive individual pupil assessment results~~
31 ~~from the assessments of applied academic skills~~
32 ~~administered pursuant to subdivision (e) of Section 60605~~
33 ~~to the extent individual results are available.~~

34 ~~(d) Any pupil results or record of achievement shall be~~
35 ~~private, and may not be released to any person, other~~
36 ~~than the pupil's parent or guardian and a teacher,~~
37 ~~counselor, or administrator directly involved with the~~
38 ~~pupil, without the express written consent of the parent~~
39 ~~or guardian of the pupil if the pupil is a minor or the pupil~~



1 if the pupil has reached the age of majority or is
2 emancipated.

3 SEC. 6. Section 60609 of the Education Code is
4 repealed.

5 ~~60609. The districtwide and school-level results of the~~
6 ~~assessments of applied academic skills administered~~
7 ~~pursuant to subdivision (c) of Section 60605, but not the~~
8 ~~score or relative position of individual pupils, shall be~~
9 ~~reported to the governing board of the district at least~~
10 ~~once a year at a regularly scheduled meeting.~~

11 SEC. 7. Section 60630 of the Education Code is
12 amended to read:

13 60630. (a) The Superintendent of Public Instruction
14 shall prepare and submit an annual report to the
15 Legislature, the State Board of Education, and each
16 school district in the state containing an analysis, on a
17 school-by-school basis, of the results and test scores of ~~the~~
18 ~~assessment of applied academic skills adopted pursuant to~~
19 ~~subdivision (c) of Section 60605 and the achievement test~~
20 designated pursuant to Section 60642. The report shall
21 include an analysis of the operational factors that appear
22 to have a significant relationship to, or bearing on, the
23 results. The report simultaneously shall be made available
24 in an electronic medium on the Internet. The analysis
25 may include, but need not be limited to, the following
26 factors:

27 (1) Financial characteristics, including specially
28 funded programs.

29 (2) Pupil and parent characteristics.

30 (3) Staff characteristics.

31 (4) Instructional methodologies and materials.

32 (b) School districts shall submit to the State
33 Department of Education whatever information the
34 department deems necessary to carry out this section.

35 SEC. 8. Section 60644 of the Education Code is
36 amended to read:

37 60644. In designating an achievement test pursuant to
38 Section 60642, the State Board of Education shall adopt
39 only a nationally normed test and shall consider each of
40 the following criteria:

1 (a) Ability of the publisher to produce valid, reliable
2 individual pupil scores.

3 (b) Quality and age of empirical data supporting
4 national norm referenced data analysis of the proposed
5 assessment.

6 (c) Ability to report results pursuant to the provisions
7 of paragraphs (4) to (7), inclusive, of subdivision (a) of
8 Section 60643 by July 8.

9 (d) Ability to report results that permit comparability
10 between data from school districts' previous
11 administration of standardized achievement tests, if
12 feasible.

13 (e) Ability to provide results comparable with data
14 from the 1998 benchmark year and administrations in
15 subsequent years with the grade level competencies
16 established pursuant to the academically rigorous
17 content and performance standards adopted by the State
18 Board of Education pursuant to Section 60605.

19 (f) (1) Ability to align the achievement test with
20 academically rigorous content and performance
21 standards as those standards are adopted by the State
22 Board of Education. ~~It is the intent of the Legislature that,~~
23 ~~to the extent feasible, the~~ *The* nationally-normed test
24 shall be augmented with items that assess the specific
25 grade-level content standards and produce valid and
26 reliable scores for pupils achievement for each of the
27 State Board of Education designated performance
28 standards adopted by the State Board of Education
29 pursuant to subdivision (a) of Section 60605, *including*
30 *the use of a direct writing assessment once in elementary*
31 *school and once in middle or junior high school.*

32 (2) Until the State Board of Education adopts
33 academically rigorous content standards, the test shall be
34 consistent with Section 60200.4, reasonably aligned with
35 the state curriculum frameworks, and substantively
36 aligned with the program advisories jointly adopted by
37 the Superintendent of Public Instruction, the State Board
38 of Education, and the Commission on Teacher
39 Credentialing in 1996.



1 (g) Per-pupil cost estimates of administering the
2 proposed assessment.

3 (h) The publisher's procedure for ensuring the
4 security and integrity of test questions and materials.

5 (i) Experience in the successful conduct of testing
6 programs adopted and administered by other states. For
7 experience to be considered, the number of grades and
8 pupils tested shall be provided.

O

